



**UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 500
SIGNIFICANT NONCOMPLIANCE
April 15, 1997**

The following discussion is intended to provide clarification on calculating and reporting Significant Noncompliance (SNC). Pretreatment Annual Reports and Inspections frequently request information regarding which calendar quarters Industrial Users (IUs) were found to be in SNC. Subsequent to the end of each calendar quarter each POTW must document SNC calculations for all criteria identified at 40 CFR Part 403.8(f)(2)(vii)(A-H). Of the eight SNC criteria that must be evaluated there are only two criteria that are evaluated based on a six month rolling window (chronic effluent violations and TRC violations). All other criteria are evaluated strictly on a calendar quarter. Refer to Table 1 for time frames to be evaluated for each calendar quarter.

Table 1 - SNC Time Frames

| SNC Quarter | Chronic Effluent and TRC Violations 40CFR ' 403.8(f)(2)(vii)(A&B) | Reporting Requirements and Other Criteria 40 CFR ' 403.8(f)(2)(vii)(C-H) |
|-------------|---|--|
| 1st Quarter | October-March | January-March |
| 2nd Quarter | January-June | April-June |
| 3rd Quarter | April-September | July-September |
| 4th Quarter | July-December | October-December |

**SNC for Reporting Violations and Other Criteria at
40 CFR ' 403.8(f)(2)(vii)(C-H)**

SNC for reporting violations and other criteria at 40 CFR ' 403.8(f)(2)(vii)(C-H) are evaluated for each calendar quarter. The quarter in which the facility is in SNC is the quarter in which the report was due or that the incident occurred.

SNC for Effluent Violations 40 CFR ' 403.8(f)(2)(vii)(A&B)

Due to the rolling six month window, SNC calculations for effluent violations could show a facility in SNC for two quarters for the same violation data. It is EPA Region VIII's position that a facility should not be placed in SNC for two quarters for the same effluent violation data. Refer to the following example for clarification.

Example SNC Calculation for Effluent Violations:

Assume a facility has a daily maximum chromium limit of 2.0 mg/l. The following is a compilation of effluent data for the facility.

| SAMPLE DATED | RESULT (MG/L) | PERMIT LIMIT (MG/L) | TECHNICAL REVIEW CRITERIA (TRC) LIMIT (2.0 MG/L X 1.2) | VIOLATION OF LIMIT | VIOLATION OF TRC |
|--------------|---------------|---------------------|--|--------------------|------------------|
| 7/5/96 | 1.2 | 2.0 | 2.4 | N | N |
| 8/6/96 | 2.2 | 2.0 | 2.4 | Y | N |
| 9/5/96 | 1.5 | 2.0 | 2.4 | N | N |
| 10/9/96 | 3.3 | 2.0 | 2.4 | Y | Y |
| 11/7/96 | 2.7 | 2.0 | 2.4 | Y | Y |
| 12/7/96 | 2.2 | 2.0 | 2.4 | Y | N |
| 1/5/97 | 1.6 | 2.0 | 2.4 | N | N |
| 2/7/97 | 1.4 | 2.0 | 2.4 | N | N |
| 3/5/97 | 1.4 | 2.0 | 2.4 | N | N |

4th Quarter 1996 SNC Calculations

Chronic Effluent Violations

Chronic effluent violations are defined at 40 CFR Part 403.8(f)(2)(vii)(A) as those violations in which 66 % or more of all measurements taken during a six month window exceed the daily maximum or the average limit for the same pollutant parameter.

From Table 1 we know we have to look at all measurements between July 1, 1996 and December 31, 1996. Four out of six measurements exceed the permit limit of 2.0 mg/l [(4) 6) x 100 = 66%]. The facility is in SNC during the 4th quarter of 1996 for chronic effluent violations.

Technical Review Criteria Violations

Technical Review Criteria (TRC) violations are defined at 40 CFR Part 403.8(f)(2)(vii)(B) as violations in which 33% or more of all measurements taken during a six month window exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD,TSS,fats,oil,and grease, and 1.2 for all other pollutants except pH).

From Table 1 we know we have to look at all measurements between July 1, 1996 and December 31, 1996. Two out of six measurements exceed the TRC limit of 2.4 mg/l $[(2 \div 6) \times 100 = 33\%]$. The facility is in SNC during the 4th quarter of 1996 for TRC effluent violations.

1st Quarter 1997 SNC Calculations

Chronic Effluent Violations

From Table 1 we know we have to look at all measurements between October 1, 1996 and March 31, 1997. Three out of six measurements exceed the permit limit of 2.0 mg/l $[(3 \div 6) \times 100 = 50\%]$. The facility is not SNC during the 4th quarter of 1996 for chronic effluent violations.

Technical Review Criteria Violations

From Table 1 we know we have to look at all measurements between October 1, 1996 and March 31, 1997. Two out of six measurements exceed the TRC limit of 2.4 mg/l $[(2 \div 6) \times 100 = 33\%]$. The data indicates the facility is in SNC during the 4th quarter of 1996 for TRC effluent violations. However, since the facility was already in SNC for the same violations as shown in the fourth quarter 1996 calculations the facility will not be considered as SNC for the 1st quarter of 1997. Provided the facility was published as SNC for the fourth quarter of 1996, the facility does not need to be published again for first quarter 1997. Had there been one or more violations in the first quarter of 1997 the facility would have been considered as SNC for the fourth quarter of 1996 and the first quarter of 1997 regardless of the magnitude of the first quarter violation(s).

Had the facility not been in SNC for the fourth quarter of 1996 but was determined to be in SNC the 1st quarter of 1997, regardless of whether or not there were violations in the January

- March time frame, the facility would be considered SNC for the 1st quarter of 1997. This scenario tends to occur when there are variable monitoring frequencies from one quarter to another.